IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

APPEAL NO.1048 OF 1998
IN
NOTICE OF MOTION NO.1612 OF 1995
IN
SUIT NO.1474 OF 1995

Capt. Ajoy Kumar Sudhindranath Sen. ...Appellant.
Vs.
Varad L. Ullal & Anr. ...Respondents.

....

None for the appellant.
None for the respondents.

.....

CORAM : R. M. S.KHANDEPARKAR &
DR.D.Y.CHANDRACHUD, JJ.

January 25, 2007.

P.C.

None present. A perusal of the impugned order discloses that in a suit for specific performance, an application for temporary injunction was filed and as far as prayer for possession of the property was rejected. The agreement does not disclose delivery of possession to the proposed vendee and as regards other claim that is relating to creation of third party rights, the impugned order clearly observes that the same shall be governed

by the principles of lis pendens. Even otherwise, in the absence of the appellant and his Advocate, the appeal is liable to be dismissed and is accordingly dismissed.

(R. M. S.KHANDEPARKAR, J.)

(DR.D. Y. CHANDRACHUD, J.)